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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/49/01 01/26/01 DIVINER/ED

D 001-058-377

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EXAMINER
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TM52/0511

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NOLAN, S	ART UNIT	PAPER NUMBER
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1772 7

DATE MAILED: 05/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/493,530	Applicant(s) PONTBRIAND et al
	Examiner Sandra N Ian	Art Unit 1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Feb. 27, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1835 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1, 2, 4-8, and 10-12 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 2, 4-8, and 10-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>5</u> | 20) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on November 6, 2000 (Paper No. 5) was considered by the examiner. A copy of the initialed form PTO 1449 is enclosed.

Claims

2. Pursuant to entry of the amendments in the response dated February 27, 2000 (Paper No. 6), claims 1, 2, 4-8, and 10-12 are pending.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the term "and" is not located where the marked version of the claim indicates that it should be. Appropriate correction is required.

Rejections Withdrawn

4. The 35 USC 102 rejection of claims 1 and 8, as anticipated by EP 468979B1 (abstract) is withdrawn in view of the amendments in Paper No. 6.
5. The 35 USC 102 rejection of claims 1, 3, and 7-9 as anticipated by Wong et al (US 5,178,902) is withdrawn in view of the amendments in Paper No. 6.
6. The 35 USC 103 rejections of claims 5, 6, 10 and 11 as unpatentable over Wong et al is withdrawn in view of Applicant's amendments in Paper No. 6.

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Rejections Maintained

Kayp 7. The 35 USC 103 rejection of claims 1 and 3-12 (now claims 1, 4-8, and 10-12), as unpatentable over Anderson et al (US 5,082,698) in view of the Crea Nova bulletin, as expressed in paragraph 12 of the October 23, 2000 Office Action (Paper No. 4) is maintained for the reasons stated there.

Kayp 8. The 35 USC 103 rejection of claim 2 as unpatentable over Anderson et al in view of the Crea Nova bulletin and Sakakibara et al (US 4,268,542), as set forth in paragraph 13 of Paper No. 4, is maintained for the reasons made of record there.

New Rejections

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

w/D 10. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The steps recited in claim 1 are not in sequential order. It is suggested that Applicant amend the method claims to make it clear that the application of the substrate (3) is done before the application of the epoxy coating (1) and curing (2).

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Response to Arguments

11. Applicant's arguments filed in Paper No. 6 have been fully considered but they are not persuasive.

The Anderson disclosure recites the use of epoxy resins in the primer coatings which are applied over the first, or intermediate, coating on their metal substrates (col. 18, lines 6). The use of other polymers in the primer formulations is mentioned at col. 15, line 31.

The argument that the Crea Nova disclosure cannot be combined with the Anderson et al teaching because the Crea Nova bulletin deals with lacquers is not convincing. Epoxy resins have been employed in lacquers as well as a variety of other types of coatings for years. It is simply not persuasive to state, with no objective proof, that epoxy coatings are different from lacquers.

Applicant has made no comment concerning the teachings of Sakakibara et al. Therefore, its disclosure will not be discussed here.

Applicant's comments concerning Wong (US 5,178,902) have been rendered moot by the withdrawal of all rejections based on that patent.

In sum, the 35 USC 103 rejections based on art other than Wong have been maintained and an objection and a new 35 USC 112 rejection have been made. All are deemed proper.

Final Rejection

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra M. Nolan, whose telephone number is (703) 308-9545. The examiner can normally be reached on Monday through Thursday from 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the art unit is (703) 305-5408. The telephone number for the receptionist is (703) 308-0661.

SMN
SMN/smn
May 8, 2001
09493530.2

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/10/01